Claims

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1.   (Original) A promoter comprising a nucleotide sequence corresponding to that shown as SEQ ID No. 1 or a variant, homologue, fragment or derivative thereof.

2.   (Original) A promoter having a nucleotide sequence corresponding to that shown as SEQ ID No. 1 or a variant, homologue, fragment or derivative thereof.

3.   (Original) A promoter comprising a nucleotide sequence corresponding to that shown in SEQ ID No. 1.

4.   (Original) A promoter having a nucleotide sequence corresponding to that shown in SEQ ID No. 1.

5.   (Previously Presented) A promoter according to claim 1 wherein the promoter is obtainable from a plant of the genus *Oryza*.

6.   (Original) A promoter capable of causing endoderm specific expression, wherein the promoter is obtainable from a plant of the genus *Oryza*.

7.   (Previously Presented) A promoter according to claim 1 wherein the promoter is operably linked to a NOI.

8.   (Previously Presented) A promoter according to claim 1 wherein the promoter is linked to the sequence presented as SEQ ID No. 2, or a variant, homologue, derivative or fragment thereof.

9.   (Original) A promoter according to claim 8, wherein if an NOI is operably linked to the promoter then the sequence presented as SEQ ID No. 2, or a variant, homologue, derivative or fragment thereof is located intermediate the promoter of the present invention and the NOI.

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10.   (Previously Presented) A promoter according to claim 1 wherein the promoter comprises one or more of the identified sequences presented in Table 1 or a variant, homologue or fragment thereof.

11.   (Original) A promoter according to claim 10 wherein the promoter comprises one or more of the identified sequences presented in Table 1.

12.   (Previously Presented) A promoter according to claim 10 wherein the promoter comprises all of the identified sequences presented in Table 1.

13.   (Previously Presented) A promoter according to claim 1 wherein the promoter is linked to the sequence presented as SEQ ID No. 5, or a variant, homologue, derivative or fragment thereof.

14.   (Original) A promoter according to claim 13 wherein if an NOI is operably linked to the promoter then the sequence presented as SEQ ID No. 5, or a variant, homolgue, derivative or fragment thereof is located intermediate the promoter of the present invention and the NOI.

15.   (Previously Presented) A construct comprising the promoter according to claim 1 but wherein the promoter is operably linked to a NOI.

16.   (Previously Presented) An expression vector comprising the invention according to claim 1.

17.   (Previously Presented) A transformation vector comprising the invention according to claim 1.

18.   (Previously Presented) A transformed host or host cell comprising the invention according to claim 1.

19.   (Original) A transformed host or host cell according to claim 18 wherein the host or host cell is a plant or a plant cell.

20.   (Previously Presented) A method of preparing a POI, the method comprising expressing an NOI which encodes at least a part of the POI, wherein the NOI is operably linked to a promoter, optionally isolating the expression product of the NOI, forming the POI

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if the expression product of the NOI is not all of the POI, optionally isolating the POI;

wherein the promoter is the promoter according to claim 1.

21.   A method according to claim 20 wherein the NOI codes for all of the POI.

22.   (Previously Presented) A method for expressing an NOI in endosperm, the method comprising expressing the NOI when it is operably linked to the promoter according to claim 1.

23.   (Original) A promoter sequence obtainable from Deposit No. NCIMB 41011.

24.   (Original) Any one of the plasmids presented in the Experimental Section provided herein.

25.   (Original) Use of a sequence presented as SEQ ID No. 2, or a variant, homologue, derivative or fragment thereof to increase expression levels of an NOI.

26.   (Previously Presented) A promoter substantially as described herein and with reference to claim 1.